

ESTTA Tracking number: **ESTTA583299**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Go Daddy Operating Company LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	14455 North Hayden Road Scottsdale, AZ 85260 UNITED STATES		

Attorney information	John L. Slafsky Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304 UNITED STATES jslafsky@wsgr.com, trademarks@wsgr.com Phone:650-493-9300
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### Registration Subject to Cancellation

Registration No	3803777	Registration date	06/15/2010
Registrant	GOTIME CORPORATION 1514 NW 59TH STREET SEATTLE, WA 98107 GERMANY		

### Goods/Services Subject to Cancellation

Class 035. First Use: 2008/08/01 First Use In Commerce: 2008/08/01 All goods and services in the class are cancelled, namely: On-line advertising and marketing services; marketing services, namely, conducting consumer tracking, behavior research and consumer trend analysis; Advertising by transmission of on-line publicity for third parties through electronic communications networks
Class 038. First Use: 2008/08/01 First Use In Commerce: 2008/08/01 All goods and services in the class are cancelled, namely: Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; Information transmission via electronic communications networks
Class 041. First Use: 2008/08/01 First Use In Commerce: 2008/08/01 All goods and services in the class are cancelled, namely: providing current event news and information via a global computer network and optical and electronic communication networks; providing information in the field of entertainment activities; electronic publishing services, namely, publication of text and graphic works of others via a global computer network and optical and electronic communication networks featuring current event news, entertainment news, information about bars, nightclubs and restaurants, information about entertainment venues, information about athletic competitions and contests, and information about social and cultural events; arranging and conducting parties and social events
Class 042. First Use: 2008/08/01 First Use In Commerce: 2008/08/01 All goods and services in the class are cancelled, namely: Application service provider, namely, providing, hosting, managing, developing, and maintaining applications, software, web sites, and

databases in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; providing a website that gives users the ability to create customized web pages featuring user-defined information; providing temporary use of non-downloadable computer software for use in posting, transmitting, retrieving, receiving and managing text, voice, audio and visual content and data via computers, mobile and handheld computing devices, and wired and wireless communication devices; providing temporary use of non-downloadable computer software for social networking

Class 045. First Use: 2008/08/01 First Use In Commerce: 2008/08/01

All goods and services in the class are cancelled, namely: On-line social networking services

## Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	GOTIME Petition for Cancellation.pdf(96547 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/John L. Slafsky/
Name	John L. Slafsky
Date	01/22/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration No. 3803777  
For the Mark: GOTIME  
Registration date: June 15, 2010

GO DADDY OPERATING COMPANY, LLC,

Petitioner,

v.

GOTIME CORPORATION,

Respondent.

Cancellation No.:

PETITION FOR CANCELLATION

Petitioner Go Daddy Operating Company, LLC (“Petitioner”) believes that it has been and will be damaged by Registration No. 3,803,777 and hereby petitions to cancel the registration.

As grounds for this Petition, Petitioner alleges that:

1. Petitioner is a Delaware limited liability company located at 14455 N. Hayden Road, Scottsdale, Arizona 85260.

2. Petitioner is informed and believes, and therefore alleges, that GoTime Corporation (“Respondent”) owns Registration No. 3,803,777 for the mark GOTIME (the “Registration”). According to public records of the United States Patent and Trademark Office, the current information regarding the Registration is as follows:

Registrant:	GoTime Corporation, a Delaware corporation
Mark:	GOTIME and Design
Last listed address:	1514 NW 59th Street Seattle, WA 98107
Registration date:	June 15, 2010

Goods and Services:

On-line advertising and marketing services; marketing services, namely, conducting consumer tracking, behavior research and consumer trend analysis; Advertising by transmission of on-line publicity for third parties through electronic communications networks, in International Class 35.

Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; Information transmission via electronic communications networks, in International Class 38.

providing current event news and information via a global computer network and optical and electronic communication networks; providing information in the field of entertainment activities; electronic publishing services, namely, publication of text and graphic works of others via a global computer network and optical and electronic communication networks featuring current event news, entertainment news, information about bars, nightclubs and restaurants, information about entertainment venues, information about athletic competitions and contests, and information about social and cultural events; arranging and conducting parties and social events, in International Class 41.

Application service provider, namely, providing, hosting, managing, developing, and maintaining applications, software, web sites, and databases in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; providing a website that gives users the ability to create customized web pages featuring user-defined information; providing temporary use of non-downloadable computer software for use in posting, transmitting, retrieving, receiving and managing text, voice, audio and visual content and data via computers, mobile and handheld computing devices, and wired and wireless communication devices; providing temporary use of non-downloadable computer software for social networking, in International Class 42.

On-line social networking services, in International Class 45.

3. On August 15, 2013, Petitioner filed with the United States Patent and Trademark Office (U.S.P.T.O.) an application to register the mark IT'S GO TIME. The application has been assigned Serial No. 86/038,961. The current listing of goods and services in that application is:

Computer application software for mobile phones and handheld computers, namely, software for use in registering domain names, account management, email, and the creation of mobile-optimized websites, In International Class 9.

Clothing, namely, men's and women's shirts, caps, and hats, in International Class 25.

Scale model cars made of die-cast metal, in International Class 28.

Advice in the field of business management and marketing; online auction services featuring domain names; Business appraisals, namely, providing appraisal services relating to the purchase and sale of domain names; Domain monetization services for others; Pay per click advertising management services, namely, providing computer services which allows for revenue generated from click-through advertising for facilitation of the monetization of domain names; Arranging and conducting business conferences and trade shows in the fields of accounting, business management, and software development; Providing information and news in the nature of business and marketing advice in the fields of accounting, small business management and tax planning; Providing information and expert opinions relating to companies and business, namely, information in the field of business management and tax planning; Providing information about domain names for sale by means of the Internet; Advertising services, namely, creating corporate and brand identity for others; Dissemination of advertising for others via email, in International Class 35.

Financial sponsorship of athletes and athletic events; Philanthropic services concerning monetary contributions to charitable and community organizations; Financial advisory services; Providing information and news in the fields of finance and financial planning; Providing financial management tools, namely, personal and business financial management services; Providing information and expert opinions relating to companies and business, namely, information in the fields of accounting; Electronic commerce payment services, in International Class 36.

Electronic mail services; Email and website forwarding services; Providing email fax services, in International Class 38.

Parking domain names for others, namely, providing computer servers for facilitation of the storage of domain name addresses; Electronic storage of images, text, audio, databases, and other electronic data, in International Class 39.

Providing temporary use of online non-downloadable computer software for creating websites, mobile websites, and hosting web content; Providing temporary use of online non-downloadable computer software for developing and displaying interactive electronic e-commerce websites and for adding and managing a catalog of products for selling on a global computer network, and for processing payment

calculation and collection over a global computer network; Design, creation, hosting, and maintenance of websites for others; Design services for others, namely, design services in the nature of graphic design services for creating corporate logos; Domain name search services, namely, conducting online computerized searches for the availability of domain names; Computer services, namely, search engine optimization; Protecting the privacy of users during the course of interacting with a global computer network; Providing temporary use of non-downloadable computer software for use in the fields of finance and accounting, transaction processing and planning, bill payment, tax payment filing, business process management, financial planning, inventory management, and business operations management; Computer services, namely, data encryption service for digital communications featuring digital encryption certificates; Technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems, in International Class 42.

Domain name registration services; Providing user authentication service in e-commerce transactions on a global computer network; Computer services, namely, providing digital certificates that authenticate the identity of Web sites and encrypt information sent to the server using Secure Sockets Layer (SSL) technology; Website security services, namely, monitoring of computer systems for security purposes, in International Class 45.

4. On December 6, 2013, the U.S.P.T.O. issued a non-final action with an initial refusal to register Petitioner's mark IT'S GO TIME in Classes 35, 38, and 42, and in Class 45 with respect to the services, "Domain name registration services." As grounds for this refusal, the U.S.P.T.O. claimed that Petitioner's mark, when used in connection with the identified goods and services, so resembles the mark in the Registration as to be likely to cause confusion among consumers.

5. Upon information and belief, Respondent has stopped using the mark in the Registration in connection with the listed services.

6. Upon information and belief, Respondent has stopped using the mark in the Registration in connection with the listed services with an intent not to resume use.

7. Upon information and belief, the mark in the Registration has been abandoned.

8. Petitioner has been and will be damaged by the Registration because, among other reasons, the Registration is an obstacle to registration of Petitioner's IT'S GO TIME mark in Classes 35, 38, and 42, and in Class 45 with respect to the services "Domain name registration services."

WHEREFORE, Petitioner prays that Registration No. 3,803,777 be cancelled and that this Petition for Cancellation be sustained in favor of the Petitioner.

Petitioner authorizes payment of the required filing fee of \$1,500.00 from its counsel's USPTO Deposit Account. Please charge the fee to Deposit Account No. 23-2415 ATTN: 33236.520.

Please address all U.S.P.T.O. communications regarding this Petition to Petitioner's attorneys:

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trademarks@wsgr.com

Dated: January 22, 2014

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

/s/ John L. Slafsky

John L. Slafsky

Attorneys for Petitioner  
GO DADDY OPERATING COMPANY, LLC

**CERTIFICATE OF SERVICE BY MAIL**

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served **PETITION FOR CANCELLATION** on the company listed below, by placing the document described above in an envelope addressed as indicated below, which I sealed. I placed the envelope for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

GoTime Corporation  
1514 NW 59th Street  
Seattle, WA 98107

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Palo Alto, California on January 22, 2014.

/s/ Elvira Minjarez  
Elvira Minjarez